

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

CLEO SMITH,)	
)	
Plaintiff,)	
)	
v.)	Case No. 04-6025-CV-SJ-FJG
)	
DALLAS M. CHRISTENSEN, PREFERRED)	
FINANCIAL GROUP, INC. and MUTUAL)	
BENEFITS CORPORATION,)	
)	
Defendants.)	

ORDER

Currently pending before the Court is the Receiver's Motion to Stay (Doc. # 17). The court appointed receiver for Mutual Benefits Corporation ("MBC") moves to stay this proceeding pursuant to an Order Appointing Receiver entered by the U.S. District Court for the Southern District of Florida in Securities and Exchange Commission v. Mutual Benefits Corp. Case No. 04-60573-CIV-Moreno.

The instant case is brought by an investor in a viatical settlement contract against MBC and a sales agent alleging fraudulent inducement in the sale of the viatical contract, violations of the Kansas Consumer Protection Act and other claims. On May 3, 2004, after the above action was filed, the Securities and Exchange Commission filed an action against MBC and other entities, alleging that MBC was involved in the sale of unregistered securities and was committing fraud in their sale. This action is currently pending in the U.S. District Court for the Southern District of Florida before Judge Federico Moreno. On May 4, 2004, Judge Moreno entered an Order appointing Roberto Martinez, as the Receiver of MBC. The Receivership Order also stayed all

actions against the Receivership entities, other than state or federal regulatory actions, and required all actions to be brought as a proceeding ancillary to the SEC action. The Receiver therefore suggests that this action falls within the provisions of Judge Moreno's order. The Court agrees that this action should be stayed pursuant to the Order entered by Judge Moreno in Securities and Exchange Commission v. Mutual Benefits Corp. Case No. 04-60573-CIV-Moreno on May 4, 2004.

Accordingly, the Receiver's Motion to Stay is hereby **GRANTED** (Doc. # 17). The Court hereby **ORDERS** that proceedings in this case are stayed pending the outcome of Securities and Exchange Commission v. Mutual Benefits Corp. Case No. 04-60573-CIV-Moreno. It is further **ORDERED** that the parties shall submit a joint status report to the Court on August 1, 2005, or at such time as the above referenced proceeding is concluded, whichever is earlier.

Date: May 31, 2005
Kansas City, Missouri

S/ FERNANDO J. GAITAN JR.
Fernando J. Gaitan Jr.
United States District Judge